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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,550	04/09/1999	RICHARD W. FRIESEN	3854	8747

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EXAMINER

KYLE, CHARLES R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/26/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/289,550

Applicant(s)

FRIESEN ET AL.

Examiner

Charles R Kyle

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 28 and 32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 28 and 32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belden et al and Garcia in view of Anupam et al.

Concerning Claim 1, Belden et al and Garcia teach the invention substantially as claimed, including the display in a user interface of transactional information for orders to buy and sell items at specific values in quantity. See the discussion of Claim 41 above. See also Belden et al at Figures 2b and 4 and Cols. 1-6. Belden et al disclose the display of order icons for items corresponding to bids and offers in quantities at values; see Col. 14, line 38 to Col. 16, line 30 and Figs. 2b, 2c and 4. Belden et al do not specifically disclose the display of icons along a value axis corresponding to order value, although Garcia shows such features at Figures 1 and 3 and Col. 5, lines 20-53. Anupam et al disclose the display of a value axis and the display of an icon corresponding to a value on that axis at Fig. 5, and Col. 4, line 49 to Col. 5, line 18; see also Col. 6, lines 10-22. At Column 5, lines 28-42, Anupam et al teach the modification of axis

Art Unit: 3624

assignment to meet user needs. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the value related icons taught by Anupam et al in the trading interface of Belden et al and Garcia because this would have provided a well recognized icon, the bar graph, as a means to convey value information for individual bids and offers. This modification is suggested by Anupam et al regarding the application of their invention at Col. 4, line 60 to Col. 5, line 42. They specifically state that the features of the invention are applicable to trading items, which is common subject matter with Belden et al.

Concerning Claim 3, Belden et al do not specifically disclose positioning an icon so as to imply its value. Anupam et al disclose an order icon located so as to imply value at Col. 5, lines 9-42. It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the positioning of icons taught by Anupam et al in the display of Belden et al because this would have provided the user with readily inferred value information in a familiar data presentation format. Again, the similar subject matter of the two references suggests motivation to combine their elements.

Regarding Claim 4, Belden et al specifically teach order icons containing quantity and value information at Figure 2b, particularly element 205-1. The communication of the information contained in the icons of Belden et al through use of the icon types disclosed by Anupam et al would have been obvious for the reasons described in the discussion of Claim 1 above.

Concerning Claims 5 and 6, Belden et al disclose the use of bid slots and rearrangement of bids at Column 4, lines 23-53.

Regarding Claim 7, Belden et al teach the sequencing of bid orders first by value and then by time of arrival so as to indicate the order that bids would be matched against offers. See Col. 4, lines 30-34.

Concerning Claim 8, see the discussion of Claim 7 above. Further, it would have been obvious to have represented the ordered bids of Belden et al using the icons disclosed by Anupam et al because this would have presented the readily available bid information in a format familiar to traders. Anupam et al state that the features of the invention are applicable to trading items, which is common subject matter with Belden et al, a motivation to combine the elements of the inventions.

Regarding Claim 9, Belden et al teach the sequencing of offer orders first by value and then by time of arrival so as to indicate the order that offers would be matched against bids. See Col. 4, lines 34-39.

Concerning Claim 10, Belden et al disclose the use of visual characteristics to distinguish a trader's icon from those of others at Col. 14, line 36 to Col. 15, line 21. See also Fig. 2b.

Regarding Claims 12 and 16, see the discussion of Claim 1 above. These Claims also recite the processes of receiving orders and generating icons for new bids or offers, which is taught by Belden et al at Fig. 1c and Fig. 2b and Col. 18, line 48 to Col. 20. See also Col. 10, line 31 to Col. 14, line 23.

As to Claim 13, it recites language describing the matching of a bid with an offer and the completion of a trade. It would have been obvious to one of ordinary skill in the art at the time of the invention to have removed an offer icon when a trade for that offer was completed because this would have avoided confusion and contention among multiple traders each thinking that he

Art Unit: 3624

or she had completed the trade for an unremoved yet already sold offer icon. Further, if a trade were completed for a particular offer the remaining available quantity of items from that offer would be zero, thus implying an icon size also of zero.

Concerning Claims 14 and 15, they describe the matching of bids and offers which are unequal and the display of a "remainder" icon representing items not traded in a partial trade of unequal bids and offers. It would have been obvious to one of ordinary skill in the art at the time of the invention to make provision for such partial trades by representing the trade "remainder" in a proportionally sized icon for a bid or offer because this would have expedited the trade of the total order by trading it in parts.

Regarding Claim 17, Belden et al teach the sequencing of offers to be matched against bids. See Col. 4, lines 34-39.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belden et al in view of Garcia and further in view of Sacerdoti et al.

As to Claim 28, Belden et al and Garcia teach the invention substantially as claimed including an electronic trading system having orders and receipt of information for those orders, which information is displayed. See the discussion of Claim 1 for detailed reference. Belden et al do not specifically disclose the value and quantity axes and display of icons with respect to them although Garcia teaches such axes at Col. 20, lines 20-53. Sacerdoti et al also teach the use of such axes for trading systems. See Col. 1 to Col. 4 and Figures 4, 5 and 7 and Col. 7, line 21 to Col. 8, line 65. It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 3624

invention to have utilized the display of icons with respect to axes because this would have provided more flexibility for traders who may have different preferences for data presentation; such flexibility would have aided traders in a fast-paced trading environment. A motivation to combine the teachings of the references is given by Sacerdoti et al at Col. 1, lines 20-64 as common subject matter of trading.

Also of note are the facts that Sacerdoti et al teach the features of icon size corresponding to quantity, bar graphs etc. (Col. 7, lines 36-45) and user adjustment of icon size to reflect quantity (Summary of the Invention). These features are recited in other claims rejected over other art.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belden et al in view of Garcia and further in view of Schott.

Concerning Claim 2, Belden et al and Garcia disclose the invention substantially as claimed. See the discussion of Claim 1 above. Belden et al and Garcia do not specifically disclose size adjustment of an icon to reflect a quantity. Schott discloses this feature at Column 1, line 10 to Col. 3, line 53 and at Column 8, line 48 to Col. 20, line 67. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the variation of icon size to imply value of Schott in the graphical trading combination of Belden et al and Garcia because this would have avoided the requirement of user data entry by keyboard and would have speeded user access to visually presented data. See particularly Column 1, line 44 to Col. 2, line 3. The combination of elements of these references is suggested by the

Art Unit: 3624

common subject matter of the references, graphical display and manipulation of financial information.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belden et al in view of Garcia and further in view of Bernstein.

Concerning Claim 32, Belden et al and Garcia disclose the invention substantially as claimed. While Belden et al specifically disclose a Pit Panel representation for trading, it does not specifically disclose an icon with concentric rings. See Figure 2b and Col. 14, line 26 to Col. 16, line 19. Bernstein discloses such a representation at Fig. 5-1 and related text. It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the representation of a trading pit disclosed by Bernstein as a modification of the Pit panel of Belden et al because this would have been familiar to traders whose experience of trading had been in the real world implementation of Pits as displayed by Bernstein. The combination is suggested by the common matter of the references of pit trading.

Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belden et al in view of Garcia and further in view of Bay Jr.

Regarding Claim 18, Belden et al discloses the invention substantially as claimed. See the discussion of Claim 1 above. Belden et al and Garcia do not specifically disclose three axes and display of historical data with respect to the third axis. Bay Jr. discloses these features at Figs. 1, 1a and 2 and at Cols. 1-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the display of historical information of Bay Jr. in the

Art Unit: 3624

trading system because this would have facilitated price trend prediction as stated in the Abstract of Bay Jr. The motivation for the combination is given by the common subject matter of the two references and described in the Background of the Invention.

As to Claim 11, see the discussion of Claim 1 above and Bay Jr. further discloses the display of high and low price information at Col. 4, lines 19-35.

Conclusion

This is a CPA of applicant's earlier Application No. 09/289,550. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Aft Unit: 3624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on Monday - Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CKK

crk

July 18, 2002

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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